

"Approved by the City Council/Redevelopment Agency Board on July 12, 2006."

CITY COUNCIL/REDEVELOPMENT AGENCY
MINUTES OF AN ADJOURNED REGULAR MEETING

WESTMINSTER, CALIFORNIA
May 31, 2006

The City Council/Agency Board of the City of Westminster, California convened on May 31, 2006 at 5:55 p.m. in an Adjourned Regular Meeting in the Council Conference Room, 8200 Westminster Boulevard, Westminster, California.

5:30 P.M.
CLOSED SESSION

CALL TO ORDER:

ROLL CALL

PRESENT: RICE, FRY, MARSH, QUACH
ABSENT: NONE

CLOSED SESSION:

The City Council/Redevelopment Agency recessed to a Closed Session for the following purposes:

- 1) Conference with Legal Counsel pursuant to Government Code Section 54956.9; Existing Litigation: Janice and John Foley vs. City of Westminster, Case No. 05CC06994; and
- 2) Conference with Labor Negotiators pursuant to Government Code Section 54957.6: Designated Representatives: Interim City Manager Andy Hall and Director of Personnel/Risk Management Pat Corcoran; Employee Organization: Westminster Police Officers' Association (WPOA).

RECESS: At 7:00 p.m., Mayor/Agency Chair Rice recessed the meeting held in the Council Conference Room.

7:00 P.M.

RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY MEETING: The City Council/Redevelopment Agency Meeting reconvened at 7:10 p.m. in the Council Chambers.

ROLL CALL:

PRESENT: RICE, FRY, MARSH, QUACH
ABSENT: NONE

SALUTE TO FLAG: Council Member Quach

INVOCATION: Mayor Pro Tem Fry

REPORT OUT OF CLOSED SESSION:

The City Attorney stated there was nothing to report out of the Closed Session.

SPECIAL PRESENTATIONS:

- A. The Mayor and Council Members presented 10-year, 15-year, 20-year, and 25-year service pins to City employees.
- B. The Mayor and Council Members presented the following proclamation – Drowning Prevention and Awareness Summer – May 29 – September 4, 2006, to Don Forsythe from the Orange County Fire Authority.
- C. The Mayor and Council Members presented a Resolution of Commendation to Joan Hansen for receiving the Raven Award from the Mystery Writers of America.
- D. Commissioner Dr. Chor-Swang Ngin, from the Orange County Human Relations Commission, presented a plaque to the Mayor and Council Members, commending the Westminster Police Department for their cooperation.

1. CONSENT CALENDAR

APPROVAL OF MINUTES

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.1 (City Council/Redevelopment Agency) Minutes of the Adjourned Regular Meetings of the City Council/Redevelopment Agency of April 24, 2006 and April 25, 2006; Minutes of a Special Meeting of the City Council/Redevelopment Agency of April 27, 2006; and Minutes of a Regular Meeting of the City Council/Redevelopment Agency of May 24, 2006.**

Darrell Nolta, resident of Westminster, requested that a change be made on page 13 of the April 25, 2006 minutes, to his comment regarding the Rose Center. He asked that the sentence read, “that states” instead of “stating”, regarding minimum charges at the Rose Center.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to approve Item 1.1, including the recommended amendment to the minutes of the April 25, 2006 meeting. The motion was carried by a 4-0 vote.

ROUTINE MATTERS

- 1.2 (City Council/Redevelopment Agency) Waive reading in full of all ordinances and resolutions under consideration, and approve and adopt same by reading title only.**

ACTION: Approved.

- 1.3 (City Council) Denial of Claims Against the City From:**

1. Hans Lamme in the amount of \$7,895
2. Tommy Anderson in the amount of \$350

ACTION: Claims filed against the City were denied.

- 1.4 Award of Contract for Replacement of A/C Condensing Coil Unit at Police Department Building (502-11)**

ACTION: The Mayor and City Council award the contract to the low qualified bidder, Koltemp Refrigeration Company, in the amount of \$29,370.00; that all other bids be rejected; and that the Interim City Manager be authorized to execute the contract on behalf of the City.

- 1.5 Agreement with the County of Orange for Pavement Rehabilitation on Hazard Avenue from Beach Boulevard to Magnolia Street (502-15)**

ACTION: The Mayor and City Council approved the subject agreement and authorized the Mayor to execute it.

- 1.6 West Orange County Water Board budget for the fiscal year 2006/2007 (October 1, 2006 to September 30, 2007) (610-11)**

ACTION: The Mayor and City Council approved the FY 2006/07 budget of the West Orange County Water Board.

- 1.7 Agreement for Installation of Irrigation Water Management System at Nine Parks and the Civic Center (502-13)**

ACTION: The Mayor and City Council approved an agreement with Micromet to perform the services for the subject project, and authorized the Interim City Manager to execute the agreement on behalf of the City.

(ITEM REMOVED AND HEARD SEPARATELY)

- 1.8 Purchase and Installation of Office and Conference Room Furniture for the Westminster Rose Center Theater Facility (502-13)**

Council Member Marsh said he is concerned about the signature page of the agreement with McMahan Business Interiors. He recommended that the contact person's name and title be typed below the signature line.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to approve an agreement with McMahan Business Interiors for the purchase and installation of office and conference room furniture for the Westminster Rose Center's theater facility in the amount of \$37,026.67, and authorize the Interim City Manager to execute the agreement on behalf of the City, making sure that the contact person's name and title be typed below the signature line. The motion was carried by a 4-0 vote.

(ITEM REMOVED AND HEARD SEPARATELY)

1.9 Agreement with Harris & Associates for Street Pavement Management System Upgrade (502-08)

Council Member Marsh asked the Public Works Director/City Engineer about the upgrade of the pavement management system. The Public Works Director/City Engineer said that the updates have been completed in-house every two years and this upgrade will be to evaluate the entire city. He said that the backlog identifies what needed to be repaved and that 82% or 623 streets have been completed.

Council Member Marsh asked about the bidding process. The Public Works Director/City Engineer said that Harris & Associates did the initial work and although other companies were contacted, their price was the most competitive. Council Member Marsh requested to see the results of phone calls made to the other companies.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to defer this item to the June 14, 2006 meeting. The motion was carried by a 4-0 vote.

ORDINANCES (SECOND READING)/RESOLUTIONS

(ITEM REMOVED AND HEARD SEPARATELY)

1.10 Ordinance No. 2400 - An Ordinance of the Mayor and City Council of the City of Westminster amending Title 16 and 17 of the Westminster Municipal Code establishing a new formula for calculating the amount of on-site open space and recreational amenities that may be credited against the dedication requirement for park and recreational purposes or in-lieu fees associated with residential subdivisions and establishing minimum on-site open space requirements for residential developments (102-03)

Darrell Nolta, resident of Westminster, said he opposes private open space and supports public parks which are open to the public. He said this opinion is supported by Supervisor Lou Correa.

Council Member Marsh asked Orange County Supervisor, Lou Correa, who was in attendance at the meeting, if he was opposed to this proposed ordinance. Supervisor Correa stated that he could not render an opinion until he reviewed the document.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Marsh, to adopt Ordinance No. 2400 and waive further reading. The motion was carried by the following vote:

AYES: RICE, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

WARRANT REGISTER

- 1.11 (City Council/Redevelopment Agency) Warrant Register dated May 10 through May 23, 2006. (105-09)**

RECOMMENDATION: Approve.

INFORMATION AND REPORTS

- 1.12 Minutes of the Youth Committee meeting held on March 8, 2006 (104-17)**

RECOMMENDATION: Receive and file.

- 1.13 Treasurer's Report – April 2006 (105-08)**

RECOMMENDATION: Receive and file.

- 1.14 Minutes of the Community Services & Recreation Commission meeting held on April 11, 2006 (104-12)**

RECOMMENDATION: Receive and file.

Motion was made by Mayor Pro Tem/Agency Vice Chair Fry, and seconded by Council/Agency Member Quach, to approve the Consent Calendar, with the exception of Item Nos. 1.1, 1.8, 1.9 and 1.10, which were removed for separate consideration. The motion was carried by a 4-0 vote.

END OF CONSENT CALENDAR

2. ORAL COMMUNICATIONS

Phil Hodgetts, resident of Westminster, distributed flyers for electric lawn mowers.

John Briscoe, resident of Huntington Beach, responded to the City Attorney, reading from his lawsuit against the City of Huntington Beach regarding speaking during Oral Communications under the Brown Act. He also commented regarding the actions of the Westminster School Board of Trustees.

Ann Watt, resident of Newport Beach, asked residents not to vote for Jim Silva at the June 6th election.

Darrell Nolta, resident of Westminster, spoke regarding the passing of Orange Councilman Steve Ambriz, someone who was interested in public safety. He requested that the meeting be adjourned in his memory.

3. COMMISSION/COMMITTEE ITEMS SUBJECT TO REVIEW – None

Mayor Rice requested that Item 8.1 be brought forward on the agenda.

Motion was made by Council Member Marsh, and seconded by Council Member Quach, to move Item 8.1, Resolution No. 4009, forward on the agenda. The motion was carried by a 4-0 vote.

8. LEGISLATIVE ITEMS

8.1 Resolution No. 4009 - A Resolution of the Mayor and City Council of the City of Westminster, State of California, Approving the Placement on the November 2006 Ballot of the “Renewed Measure M Transportation Investment Plan” for the Purpose of Allowing the Voters of Orange County to Decide Whether to Approve or Reject the Proposal (617-01)

Carolyn Cavecche, Mayor Pro Tem of the Orange City Council and a Vice Chair of the OCTA Board, spoke in support of the resolution approving placement of the Renewed Measure M Transportation Investment Plan to be placed before the Orange County voters on the November ballot. Also in attendance is Art Brown, Mayor of Buena Park and OCTA Chair and from OCTA: Art Leahy, CEO, Monty Ward, Manager, Special Projects, and Dave Simpson, Local Government Relations Manager.

Peter Herzog, Chair of the League of California Cities’ Measure M Renewal Supercommittee, stated that numerous issues were raised by Council Member Marsh at the committee meetings regarding the City of Westminster, which were taken into account. He said that the renewed Measure M would give the City nearly \$60 million.

Orange County Supervisor Lou Correa, noted that Orange County only pays a half cent sales tax, compared to a one cent sales tax in Los Angeles County and he spoke in support of the proposed resolution.

Mayor Pro Tem Fry said that this will be a tax, but it will stay here in the City of Westminster and will benefit the residents.

Darrell Nolta, resident of Westminster, stated that the OCTA Board is not direct representation of the tax payers, but he does support putting the measure on the ballot, however, once it is on the ballot, he said he would vote no against the extension of Measure M.

Council Member Marsh said this resolution will allow the voters to decide whether to approve or reject the renewal of Measure M. He proposed adding an additional sentence to the final "Now, Therefore, Be It Resolved" paragraph, which would read as follows: "The City hereby provides approval to the full extent provided in Public Utilities Code Section 180206(b) that is required to place the plan before the voters."

Council Member Marsh said, usually when the City is presented with a tax proposal from another agency, they are asking for money and if you give them the money they create a new bureaucracy, and they make vague promises. The reason this is different is because the plan offers a package of goods and services in return for the money.

Mayor Rice stated that she personally, not speaking for the Council, supports Measure M.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to adopt Resolution No. 4009 as amended, and waive further reading. The motion was carried by the following vote:

AYES: RICE, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

4. PUBLIC HEARINGS

4.1 CASE 2005-16 (ZONE CHANGE, TENTATIVE PARCEL MAP, SITE PLAN REVIEW AND DESIGN REVIEW); 7601 23RD STREET; APPLICANT: TIM HARRIS (Continued from the May 17, 2006 meeting) (201-00)

Time set for a public hearing to consider the construction of three residential condominiums on a 12,774 square foot lot. The required entitlements include a Zone Change, Tentative Parcel Map for condominium purposes, Site Plan review to assess the proposed site layout, and design review to assess the design and overall appearance of the development.

The Community Development Director said that once a calculation of the density of the property as it relates to the driveway was made, it was discovered that it would only allow two units on the site. The applicant has requested that the item be continued indefinitely to allow him time to redesign the project.

Mayor Rice stated that Mr. Harris, the applicant, deserved an apology that the calculation was done incorrectly. She requested that staff work closely with Mr. Harris in order to get his project moved forward fast.

Council Member Marsh said he would like the Council to consider a reduction in fees for Mr. Harris when he brings his project back to Council.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to continue the project indefinitely as requested by the applicant. The motion was carried by a 4-0 vote.

4.2 REVIEW OF THE PLANNING COMMISSION'S DENIAL OF CASE 2005-64 (SITE PLAN REVIEW AND DESIGN REVIEW); LOCATION: 8201 WESTMINSTER BOULEVARD; APPLICANT: MR. VIET LE (201-00)

Time set for a public hearing to consider the Planning Commission's decision to deny the construction of an 8,042-square-foot commercial building on a vacant 0.36-acre (15,750-square-foot) site. The required entitlements include Site Plan review to assess the proposed site layout and Design Review to assess the architectural design of the development.

Council Member Quach recused himself from discussion on this item because he lives within 500 feet of the property. He left the dais. The City Attorney stated that because Council Member Quach is absent and it is a land use issue, it will require three affirmative votes in either direction for the matter to proceed.

The Community Development Director reviewed the plans of the proposed project, including elevations. One issue is that it utilizes the public alley to circulate from one parking venue to the other; in this case the circulation does not take place on site, which does not meet the design standards.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Viet Le, the property owner, stated that two and a half years ago his project was approved by the Planning Commission. He said it will be a medical professional building.

Council Member Marsh noted that the original project was much smaller. Mr. Le responded that the previously approved project was not economically feasible, therefore 4,000 square feet and a semi-subterranean parking area off the alley was added.

Council Member Marsh inquired about the coffee shop shown on the site plan. Mr. Le said that Council Member Marsh was not looking at the current plan which did not include a coffee shop. Mr. Le introduced his architect, Phil Martin, who stated that the plans submitted to the Planning Commission did not show the coffee shop.

Mr. Le presented a reduced size site plan without the coffee shop. The Planning Manager said that the applicant verbally stated at the Planning Commission meeting, that he would remove the words, "coffee shop", from the plans, but it was only a verbal comment.

Council Member Marsh asked Mr. Le if he would accept a restriction on the project which limits it to professional office space only, to which Mr. Le said yes, he would accept that restriction.

MAYOR RICE ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM.

Mark Sallee, resident on 18th Street, objected to the parking arrangements and using the alley for access to the parking, as the alley is very narrow. He said he would have objected to the building if it allowed a coffee shop, but since the owner said he agreed with the restriction, he had no other concerns.

Nancy Sallee, resident on 18th Street, said she objected to the narrow alley access to the parking for safety reasons, as children and pedestrians use the alley. She said she has problems with Mr. Le's credibility as far as his promise not to include a coffee shop due to the numerous code violations that have occurred when the lot was used as a construction dumpsite.

Darrell Nolta, resident of Westminster, was concerned about use of the narrow alley for the subterranean parking and he is also concerned about safety issues.

REBUTTAL:

Mr. Le stated that there is not much traffic in the alley; use of the alley will mostly be for the tenants and they will probably remain there during business hours, leaving around 6:00 to 7:00 p.m. There will be gates with remote controls in a public alleyway. He said that anyone who builds on the lot would have the same problems. Mayor Rice stated they would not have the same problems if they built a smaller building. Mr. Le said that was not economically viable.

MAYOR RICE CLOSED THE PUBLIC HEARING.

Council Member Marsh asked Planning staff if they believe that the project would create a traffic flow problem, regarding the alley or street access, or is it sufficient to deal with traffic flow.

The Community Development Director said he is concerned about traffic flow, especially with the alley which is 15 feet in width, with a right-of-way of 20 feet. If it was developed, 2 ½ feet could be added to make it 17 ½ feet, which is only good for one-way traffic. He said the developer would still have the access off of Westminster Boulevard. But there is a code matter – the on and off site circulation.

Council Member Marsh asked the Community Development Director if it was a fair characterization to say that the vacant lot has been used as a construction dumpsite. The Community Development Director said he didn't know.

Council Member Marsh asked if the applicant had approval for a project on the site that was a smaller project. The Community Development Director said that a project half the size of this project was approved about two years ago which has now expired. The Planning Manager stated that it was the time on the building permits that expired.

Council Member Marsh asked if staff recommended the semi-subterranean parking or if the request came from the applicant. The Planning Manager said the idea was from the applicant and he believes it was because the applicant increased the size of the building and then needed to meet the parking requirement.

Council Member Marsh asked if there were any sites approved during the last several years where the on site circulation rule was waived. The Community Development Director stated that there were none he was aware of.

Mayor Pro Tem Fry stated he believes that a public alley is available for all to use, residential and commercial, and not just exclusively for residential. He suggested that the alley should be restricted to one-way traffic.

Motion was made by Council Member Marsh, and seconded by Mayor Rice, to approve the recommendation of the Planning Commission and adopt Resolution No. 4004 entitled "A Resolution of the Mayor and City Council of the City of Westminster denying Case No. 2005-64 (Site Plan and Design Review, with findings and conditions), a request to construct a new 8,042-square-foot commercial building located at 8201 Westminster Boulevard" and waive further reading. Council Member Marsh added that to do otherwise would be inconsistent with the City's written policy, that there must be contiguity between portions of parking at a site.

The City Attorney noted that the applicant could come back with a differently designed project.

The motion failed by the following vote:

AYES: RICE, MARSH
NOES: FRY
ABSENT: QUACH

The City Attorney clarified that the resolution cannot be adopted because it did not receive three affirmative votes for denial, as recommended by the Planning Commission.

Council Member Quach returned to the dais.

4.3 REVIEW OF THE PLANNING COMMISSION'S APPROVAL OF CASE 2005-68 (SITE PLAN REVIEW AND DESIGN REVIEW); LOCATION: 7412 WESTMINSTER BOULEVARD; APPLICANT: MR. LONG HA (201-00)

Time set for a public hearing to consider the construction of new, 3-story, 7,581 square foot retail/office building on a 17,040 square foot lot. The required entitlements include Site Plan review to assess the proposed site layout, and Design Review to assess the design and overall appearance of the development.

Council Member Quach recused himself from discussion on this item because he said he has worked with the architect of the applicant on a project within the last year. He left the dais.

The Community Development Director reviewed the plans of the project, which is proposed for office/retail. He said the building meets all of the City's code requirements.

Mayor Rice inquired about trash pick-up.

MAYOR RICE OPENED THE PUBLIC HEARING AND ASKED IF THERE WERE ANY PERSONS WISHING TO SPEAK IN FAVOR OF THE ITEM.

Lynn Coker, with NAI Capital, representing the developer, spoke in favor of the project.

Long Ha, representing the developer, spoke in favor of the project. He said he contacted Rainbow Disposal about bin service and they will pull the bin out to Westminster Boulevard for trash service. He said that a 20 foot driveway is provided for adequate ingress and egress.

Binh Tran, owner and architect, asked for approval of the project. He said he would like to relocate his business from Fullerton to Westminster.

Council Member Marsh asked Mr. Tran if he would be willing to have a restriction placed on the project that the second and third floor would be limited to office space only. Mr. Tran said he would agree to that restriction.

SEEING THERE WERE NO PERSONS WISHING TO SPEAK IN OPPOSITION TO THE ITEM, MAYOR RICE CLOSED THE PUBLIC HEARING.

Motion was made by Mayor Pro Tem Fry, and seconded by Council Member Marsh, to approve the recommendation of the Planning Commission and adopt Resolution No. 4007 entitled "A Resolution of the Mayor and City Council of the City of Westminster approving Case No. 2005-68 pertaining to a Site Plan Review and Design Review for a 7,581 square foot retail/office building on a 17,040 square foot lot located at 7412 Westminster Boulevard" as amended with the restriction placed on the project that the second and third floor would be limited to office space only, as agreed to by the owner, and waive further reading.

The motion was carried by the following vote:

AYES: RICE, FRY, MARSH
NOES: NONE
ABSENT: QUACH

Council Member Quach returned to the dais.

5. MATTERS FROM COUNCIL/AGENCY/AUTHORITY MEMBERS

5.1 Council/Agency Member Items/AB 1234 Reports

Council Member Marsh reported on the International Council of Shopping Centers Convention in Las Vegas last week, attended by all four members of the City Council and Mayor. Council Members and City staff also met with interested businesses to promote the City's commercial development opportunities. The cost will be reported in the Warrant Register for the June 14, 2006 Council meeting. Mayor Rice thanked staff for their booth and presentation.

Mayor Pro Tem Fry referred to a letter from Mrs. Davis, regarding trash thrown in the flood control channel. He said he would like to know whose responsibility it is to enforce the clean up. Mayor Pro Tem Fry also suggested that Council propose a resolution regarding a position on illegal immigration for the next Council meeting. Mayor Pro Tem Fry wished the officer well who was in an accident following the recent hit-and-run incident.

Council Member Marsh said that many letters were received regarding a proposed self storage facility on Newland and asked for the status. The Community Development Director responded that the proposed site is between the 405 Freeway and Newland, north of Carnegie and the developer has suspended their application for now and will be sending a letter stating their intentions in a few days.

Council Member Quach asked staff to send response letters to those residents who sent letters to the Council. He also thanked those residents who took the time to notify the Council of their concerns.

6. MATTERS FROM CITY MANAGER/EXECUTIVE DIRECTOR

Mayor Rice requested that Item Nos. 6.3 and 6.4 be moved forward on the agenda. There were no objections.

6.3 First Amendment to the City of Westminster Theater/Art Gallery Facility Management Services Agreement for the Westminster Rose Center (502-18) (See action for Item 6.4)

RECOMMENDATION: Staff recommends that the Mayor and City Council approve the First Amendment to the City of Westminster Theater/Art Gallery Facility Management Services Agreement with the Rose Center Foundation, and authorize the Interim City Manager to execute the Agreement on behalf of the City.

6.4 Utilities for Rose Center Banquet Facility and Performing Arts Center (502-18)

RECOMMENDATION: Staff recommends that the Mayor and City Council determine which utilities, if any, should be placed in the City's name for the Rose Center Banquet Facility and Performing Arts Center.

The Finance Director stated that the final agreement was signed by Tony Lam from the Rose Center Foundation. He said it was the bond counsel who advised that these changes be made to the agreement to be in compliance with the IRS' tax exempt status requirements. He reviewed the changes to the agreement recommended by Council Member Marsh.

The Finance Director read the proposed changes to the agreement: On page 10, the second paragraph will read, "At the end of each fiscal year, if there is determined to be a net profit in the operating account, such shall be delivered to the City for deposit into the City's General Fund **for the City to use as it sees fit. The decision regarding how to use such funds shall be made by the Council in its sole discretion.**" On page 13, Section 14-a will read, "**Foundation shall indemnify to defend and hold the City harmless from any injury, damage, that may be alleged, or which may occur to site, to the Center, or to other properties as a result of hazardous materials being brought into the site Foundation, by Foundation, its officers or employees, agents, volunteers, guests, invitees, subcontractors, or which may be brought by performers, artists or other individuals present on site.**" And the last sentence in Section 14-b will read, "**At City's sole discretion, utilities may be placed in City's name and the Foundation and concessionaire's invoice for costs incurred for those utilities.**"

Discussion ensued regarding who will be billed for utilities. Council Member Marsh was concerned about possible late payments which needs to be worked into the language of each of the agreements with the City.

Motion was made by Council Member Marsh, and seconded by Mayor Pro Tem Fry, to continue Item Nos. 6.3 and 6.4 to the next regular meeting of June 14, 2006.

Darrell Nolta, resident of Westminster, said he did not like to have the utilities in the City's name.

The motion was carried by a 4-0 vote.

- 6.1 Special Event Permit application from the Saigon for Saigon Movement to hold a Saigon Commemoration Rally on Sunday, July 2, 2006 between the hours of 8:00 a.m. and 2:00 p.m. (includes set up and clean up times). The event will take place at Freedom Park located at 14180 All American Way; the anticipated attendance is 750 people. (Continued from the May 17, 2006 Council meeting) (213-02)**

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve the Special Event Permit application subject to the conditions attached to the staff report.

Council Member Marsh said he was not in favor of approval of this permit because the organization is not local, or connected to the community.

Council Member Quach said he was comfortable in approving this application for a special event permit because this organization was a contributor to the Vietnam War Memorial statue.

Nga Tran from the Saigon for Saigon Movement, said he selected this location for their event because of the large population of Vietnamese Americans who live here. He clarified that he did contribute to the Vietnam War Memorial statue.

Darrell Nolta, resident of Westminster, said he did not see the complete name of the park on the application, which is Sid Goldstein Freedom Park, however, he said he did support the request for the special event permit.

The motion was carried by a 4-0 vote.

Mayor Rice said she was disturbed to find Sid Goldstein Freedom Park littered with yellow flyers recently. The Community Services Director said that the group could not be identified since it did not have a special event permit.

- 6.2 (City/Agency)Allocation of Redevelopment Agency Low and Moderate Income Housing funds in the amount of \$1,540,728 to two non-profits, Abrazar, Inc. and American Family Housing, Inc. (Shelter for the Homeless) for acquisition of six affordable housing units. (109-01)**

Motion was made by Council/Agency Member Marsh, and seconded by Council/Agency Member Quach:

That the Agency Board:

- 1) Allocate Redevelopment Housing Funds in the amount of \$1,540,728 to Abrazar (\$770,364) and American Family Housing (\$770,364) for the acquisition of affordable housing units;
- 2) Approve the Affordable Housing Assistance Agreement with Abrazar, Inc. to implement the acquisition of affordable housing units, and authorize the Interim Executive Director to execute the Agreement on behalf of the Agency; and
- 3) Approve the Affordable Housing Assistance Agreement with American Family Housing, Inc. to implement the acquisition of affordable housing units, and authorize the Interim Executive Director to execute the Agreement on behalf of the Agency; and

That the Mayor and City Council:

- 1) Approve the CHDO HOME Program Participation Agreement with Abrazar, Inc. to implement the acquisition of affordable housing units., and authorize the Interim City Manager to execute the Agreement on behalf of the City; and
- 2) Approve the CHDO HOME Program Agreement with American Family Housing, Inc. to implement the acquisition of affordable housing units, and authorize the Interim City Manager to execute the Agreement on behalf of the City.

The motion was carried by a 4-0 vote.

6.5 Award of Contract for Street Improvements for All American Way from Westminster Boulevard to 13th Street and 16th Street from Jackson Street to Beach Boulevard – Project No. 16510-061603 (502-01)

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to:

- 1) Allocate \$80,000.00 from IRP Contingency (Account No. 18002-044010) to All American Way Street Improvements (Account No. 18002-061807); and
- 2) Award the contract to the low qualified bidder, All American Asphalt, in the amount of \$225,167.00; that all other bids be rejected; and that the Interim City Manager be authorized to execute the contract on behalf of the City.

The motion was carried by a 4-0 vote.

7. WRITTEN COMMUNICATIONS (Public) None

9. COMMISSION AND COMMITTEE ITEMS**9.1 Request for parking restrictions at 23rd Street and Pacific Avenue – T.C. 92-100 (deferred from the May 17, 2006 meeting) (608-02)**

Mayor Pro Tem Fry recused himself due to the proximity of the subject request to his residence. He left the dais.

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve the recommendation of the Traffic Commission, adopt Resolution No. 4002 entitled, “A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of parking restrictions on the northwest corner of 23rd Street and Pacific Avenue”, and waive further reading. The motion was carried by the following vote:

AYES: RICE, MARSH, QUACH
NOES: NONE
ABSTAIN: FRY

9.2 Request for parking restrictions on Navajo Road, east of Sioux Road – T.C. 83-102 (608-02)

Motion was made by Council Member Quach, and seconded by Council Member Marsh, to approve the recommendation of the Traffic Commission, adopt Resolution No. 4006 entitled, “A Resolution of the Mayor and City Council of the City of Westminster providing for the installation of parking restrictions on the north side of Navajo Road, east of Sioux Road”, and waive further reading. The motion was carried by the following vote:

AYES: RICE, FRY, MARSH, QUACH
NOES: NONE
ABSENT: NONE

10. COUNCIL/AGENCY ADJOURNMENT: At 10:55 p.m., Mayor/Agency Chair Rice adjourned the meeting in memory of Evelyn Gillespie, wife of former Council Member and Mayor Elden Gillespie, and Orange Council Member Steve Ambriz.

Janet Mayfield, Assistant City Clerk/
Acting Agency Secretary